

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

CLIFF & BERRIDGE, PLC  
P.O. Box 19928  
Alexandria, Virginia 22320  
Telephone: (703) 836-6400  
Facsimile: (703) 836-2787

Attorney Docket No.: 113367.01

Date: March 10, 2004

Customer Number: 25944

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is a

Continuation       Divisional       Continuation-in-Part

application of prior pending Application No. 10/208,749, filed August 1, 2002,

For (Title): PROBE OPENING FABRICATING APPARATUS, AND NEAR-FIELD OPTICAL MICROSCOPE USING THE SAME

By (Inventors): Tsutomu INOUE, Fuminori SATO and Yoshihito NARITA

1.  A Declaration and Power of Attorney is attached. The attached Declaration and Power of Attorney is:
- a. A copy of the Declaration and Power of Attorney from the parent application. (Used with the same or fewer inventors and (a) a copy of the prior application or (b) a revised, reformatted or edited version of the prior application that does not contain new matter.)
  - b. A new Declaration and Power of Attorney. (Used with the same, fewer or additional inventors and (a) a copy of the prior application, (b) a revised, reformatted or edited version of the prior application that does not contain new matter, or (c) a new specification.)
2.  The filing fee is calculated below:

**CLAIMS IN THE APPLICATION AFTER ENTRY OF  
ANY PRELIMINARY AMENDMENT NOTED BELOW**

FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	5 - 20	= *0
INDEP CLAIMS	1 - 3	= *0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED		

\* If the difference is less than zero, enter "0".

**SMALL ENTITY**

RATE	FEES
	\$ 385
x 9 =	\$ ---
x 43 =	\$ ---
+145 =	\$
TOTAL	\$385

**OTHER THAN A  
SMALL ENTITY**

OR	RATE	FEES
OR		\$ 770
OR	x 18	\$
OR	x 86	\$
OR	+290	\$
OR	TOTAL	\$

3.  Check No. 151947 in the amount of \$385.00 to cover the filing fee is attached. The Commissioner is hereby authorized to charge any other fees that may be required to complete this filing, or to credit any overpayment, to Deposit Account No. 15-0461. Two duplicate copies of this sheet are attached.
4.  Application Data Sheet is attached.
5.  Formal drawings (Fig(s). 1-20B) are attached.  
 Use Figure \_\_\_\_\_ for front page of Publication.

DEPOSIT ACCOUNT USE  
AUTHORIZATION  
Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461

22858 U.S.PTO  
10/796089



6.  Priority of foreign application(s) No. 2001-251784 filed August 22, 2001 in Japan and 2001-393479 filed December 26, 2001 in Japan is claimed under 35 U.S.C. §119 and/or §365(b).  
 The certified copy was filed in prior Application No. 10/208,749 on August 1, 2002.  
 A certified copy of the above foreign application(s) is filed herewith.  
 A copy of the priority document was transmitted by the International Bureau in prior Application No. \_\_\_\_.
7.  Priority of U.S. Provisional Application(s) No. \_\_\_\_\_ filed \_\_\_\_\_ is claimed under 35 U.S.C. §119.  
(A Preliminary Amendment is attached to reflect the claim of benefit in the specification if not already present.)
8.  The prior application is assigned of record to Jasco Corporation, Tokyo, Japan and recorded at Reel 013165, Frame 0087.
9.  This application is filed by fewer than all the inventors named in the prior application (37 C.F.R. §1.53(b)(1)). Delete the following inventor(s) named in the prior application:  
\_\_\_\_\_  
\_\_\_\_\_
10.  A Preliminary Amendment is attached. The Preliminary Amendment amends the specification to reflect the continuation data. Claims added by this Amendment are properly numbered consecutively beginning with the number next following the highest numbered claim in the application and claims canceled are identified in the listing of claims.
11.  An Information Disclosure Statement is attached.
12.  Small entity status:  
 a. Entitlement to small entity status is asserted.  
 b. Small entity status is no longer claimed.
13.  Other: \_\_\_\_\_
14.  This application is NOT to be published under 35 U.S.C. 122(b). The undersigned attorney or agent hereby certifies that the invention disclosed in this application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
15.  The power of attorney in the application is to James A. Oliff, Registration No. 27,075, William P. Berridge, Registration No. 30,024, Kirk M. Hudson, Registration No. 27,562, Thomas J. Pardini, Registration No. 30,411, Edward P. Walker, Registration No. 31,450, Robert A. Miller, Registration No. 32,771, Mario A. Costantino, Registration No. 33,565, Joel S. Armstrong, Registration No. 36,430, Christopher W. Brown, Registration No. 38,025, Richard E. Rice, Registration No. 31,560, Paul Tsou, Registration No. 37,956, and/or Eric D. Morehouse, Registration No. 38,565.  
 a. The power appears in the attached Declaration and Power of Attorney.  
 b. Since the power does not appear in the attached Declaration and Power of Attorney, a substitute Power of Attorney is also attached.
16.  Address all future communications to:

OLIFF & BERRIDGE, PLC  
P.O. Box 19928  
Alexandria, Virginia 22320

Respectfully submitted,

  
James A. Oliff  
Registration No. 27,075

Tarik M. Nabi  
Registration No. 55,478